

FILED
1/5/2021 5:16 PM
Mary Angie Garcia
Bexar County District Clerk
Accepted By: Roxanne Mujica

4 CITS PPS W/JD

CAUSE NO. **2021CI00215**

SANDRA M. CASTILLO
Plaintiff,

V.

ROBERT K. BRUCKER, JR. ,
T&T LOGISTICS LLC,
MHC TRUCK LEASING, INC., and
SCHNELL EXPRESS, LLC
Defendants.

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IN THE DISTRICT COURT

45TH _____ JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

NOW COMES, **SANDRA M. CASTILLO**, hereinafter referred to as Plaintiff, in the above-entitled and numbered cause, complaining of Defendants, **ROBERT K. BRUCKER, JR., T&T LOGISTICS LLC, MHC TRUCK LEASING, INC., and SCHNELL EXPRESS, LLC** and for cause of action would show the Court and Jury the following:

I.
DISCOVERY LEVEL

Discovery will be conducted under Level 3, Rules 190.1 and 190.4, Texas Rules of Civil Procedure.

II.
PARTIES

1. Plaintiff, **SANDRA M. CASTILLO**, is an individual residing in Bexar County, Texas.
2. Defendant, **ROBERT K. BRUCKER, JR.**, is an individual residing in the state of Missouri and may be served with process at 6302 NE Estep Rd., Cameron, Missouri 64429 or wherever he may be found. **Service of process is requested by private process as authorized by this Court.**
3. Defendant, **T&T LOGISTICS LLC** is a domestic for-profit company doing business

throughout the United States including Texas. Defendant may be served with process through its registered agent for service, Registered Agents, Inc., located at 5900 Balcones Drive, Suite 100, Austin, Texas, or wherever they may be found. **Service of process is requested by private process as authorized by this Court.**

4. Defendant, **MHC TRUCK LEASING, INC.** is a domestic for-profit corporation doing business throughout the United States including Texas. Defendant may be served with process through its registered agent for service, Capitol Corporate Services, Inc., 206 East 9th Street, Suite 1300, Austin, Texas 78701, or wherever they may be found. **Service of process is requested by private process as authorized by this Court.**
5. Defendant, **SCHNELL EXPRESS, LLC** is a domestic for-profit company doing business throughout the United States including Texas. Defendant may be served with process through its registered agent for service, Tony Michael Schneller, 387 Beaver Lake Drive, St. Charles, Missouri 63303, or wherever they may be found. **Service of process is requested by private process as authorized by this Court.**

III. JURISDICTION

This Court has jurisdiction of this case as Plaintiff's damages are within the jurisdictional limits of this Court. Further, the Defendants were operating a commercial motor vehicle and transportation business in Texas at the time the collision occurred.

IV. VENUE

Venue is proper in Bexar County pursuant to Texas Civil Practice & Remedies Code §15.002(a)(3) because the collision made the basis of this lawsuit occurred in Bexar County, Texas.

V.
MISNOMER, ALTER-EGO, ASSUMED NAME

In the event any parties are misnamed or not included herein, it is Plaintiff's contention that such was a "misnomer" and/or such parties are/were "alter egos" of parties named herein.

VI.
Conditions Precedent

Plaintiffs assert that all conditions precedent to the bringing of this cause of action have been performed or have occurred prior to the filing of the case at bar.

VII.
FACTS

On or about January 9, 2019, Plaintiff was traveling northbound on Interstate Highway 10 West in San Antonio, Bexar County, Texas. Defendant BRUCKER was operating a large, commercial tractor/trailer owned by (or under the authority and control of) Defendants T&T LOGISTICS, LLC, MHC TRUCK LEASING, INC., and/or SCHNELL EXPRESS, LLC. Defendant BRUCKER was traveling parallel to Plaintiff when he suddenly made an unsafe lane change colliding with Plaintiff's vehicle. Defendant Brucker then attempted to flee the scene and was later stopped by law enforcement. As a proximate result of the aforementioned collision, Plaintiff was injured.

VIII.
Negligence and Negligence Per Se

A. ROBERT K BRUCKER

Plaintiff contends that, on the occasion in question, Plaintiff's injuries and damages were proximately caused by the negligent acts and/or omissions of the Defendant as Defendant violated the duty, which he owed to Plaintiff, to exercise ordinary care in the operation of his motor vehicle in at least the following particulars:

1. Failing to keep a proper lookout, such as a person of ordinary care would have kept in the same or similar circumstances;
2. Failing to maintain proper control of the vehicle such as a person of ordinary care would have done in the same or similar circumstances and under the same or similar road and weather conditions;
3. Failing to turn his vehicle in a manner so as to avoid the collision, such as a person of ordinary care would have done under the same or similar circumstances;
4. Failing to operate his vehicle in a safe and prudent manner, such as a person of ordinary care would have done under the same or similar circumstances;
5. Failure to yield the right of way;
6. Failure to keep a proper look-out;
7. Making an unsafe lane change;
8. Driving without proper authority and certification;
9. Acting as a “chameleon trucker” by operating under numerous aliases, names, and motor carrier numbers;
10. Violations of the Texas Transportation Code sections 545.151, 545.152, and 545.155; and
11. Violations of the Texas Commercial Motor Vehicle Handbook, and the Federal Motor Carrier Safety Regulations as adopted and/or modified by the Texas Department of Public Safety (and often referred to as the Texas Motor Carrier Safety Regulations).

Each of the foregoing negligent acts and omissions, whether taken singularly or in combination, were the proximate causes of the collision made the basis of this cause of action; the injuries suffered by Plaintiff, and the damages sustained by Plaintiff, which are hereinafter described with more particularity.

B. T&T LOGISTICS LLC, MHC TRUCK LEASING, INC and SCHNELL EXPRESS LLC

Plaintiff contends that, on the occasion in question, Plaintiff's injuries and damages were proximately caused by the negligent acts and/or omissions of the Defendants because

Defendants' driver ROBERT K BRUCKER committed acts of negligence as stated above. Further Defendants are guilty of individual actions of negligence and negligence per in at least the following particulars:

1. Entrusting and providing a tractor/trailer to a ROBERT K. BRUCKER who was not sufficiently and safely trained, licensed, and recognized to operate said tractor/trailer;
2. Failure to properly supervise and monitor ROBERT K. BRUCKER and his compliance with company rules, state regulations, and federal regulations;
3. Failing to investigate the background, accidents, driving history, licensed status and motor carrier status of ROBERT K. BRUCKER;
4. Acting as a "chameleon trucker" by operating under numerous aliases, names, and motor carrier numbers;
5. Violations of the Texas Transportation Code, Texas Commercial Motor Vehicle Driver's Handbook and the Federal Motor Carrier Safety Regulations as adopted and/or modified by the Texas Department of Public Safety (and often referred to as the Texas Motor Carrier Safety Regulations);
6. Negligent Hiring;
7. Negligent Training;
8. Negligent Entrustment;
9. Negligent Supervision, Retention, and Monitoring;
10. Failing to abide by and enforce the Federal Motor Carrier Safety Regulations on a consistent basis and failing to correct unsafe and dangerous violations and safety ratings; and
11. Aiding and abetting the violations of the Federal Motor Carrier Safety Regulations.

Each of the foregoing negligent acts and omissions, whether taken singularly or in combination, were the proximate causes of the collision made the basis of this cause of action; the injuries suffered by Plaintiff, and the damages sustained by Plaintiff, which are hereinafter described with more particularity.

IX.

**Respondeat Superior/Vicarious Liability, Joint Venture and
Course and Scope of Employment**

ROBERT K. BRUCKER was negligent while acting within the course and scope of his employment, statutory employment, joint venture and/or under the authority of Defendants T&T LOGISTICS LLC, MHC TRUCK LEASING, INC. and SCHNELL EXPRESS LLC, and his actions were the proximate cause of the collision made the basis of this suit. Further, such negligence was the proximate cause of the injuries suffered by Plaintiff and the damages caused to Plaintiff, which are hereinafter described with more particularity. Under the doctrine of *respondeat superior*, joint venture and/or vicarious liability, Defendants T&T LOGISTICS LLC, MHC TRUCK LEASING, INC. and SCHNELL EXPRESS LLC are vicariously liable for the actions of ROBERT K BRUCKER.

X.

Damages

Plaintiff alleges that as a direct and proximate cause of the conduct of the Defendants, and/or the direct and proximate cause of the breach of the duty owed to Plaintiff, and/or the direct and proximate result of the negligent acts and/or omissions of the Defendants, Plaintiff is entitled to recover at least the following legal damages:

1. Reasonable and necessary health care expenses incurred in the past;
2. Reasonable and necessary health care expenses which, in all reasonable probability, will be incurred in the future;
3. Physical pain and suffering in the past;
4. Physical pain and suffering which, in all reasonable probability, will be endured in the future;
5. Mental anguish suffered in the past;
6. Mental anguish which, in all reasonable probability, will be suffered in the future;

7. Loss of earning capacity in the past;
8. Loss of earning capacity which, in all reasonable probability, will be sustained in the future;
9. Physical impairment suffered in the past;
10. Physical impairment, which in all reasonable probability, will be suffered in the future;
11. Physical scarring/disfigurement suffered in the past;
12. Physical scarring/disfigurement, which, in all reasonable probability, will be suffered in the future.

XI.
Costs and Interest

Plaintiff is also entitled to pre-judgment and post-judgment interest and costs of Court as allowed by law.

XII.
U.S. Life Tables

Notice is hereby given to the Defendants that Plaintiff intends to use the U.S. Life Tables as prepared by the Department of Health and Human Services.

XIII.
Jury Demand

Plaintiff respectfully requests a trial by jury.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendants be cited to appear and answer herein; that upon trial hereof, Plaintiff recover damages, both jointly and severally, as well as court costs including:

1. Damages, actual, special, economic, non-economic and otherwise, in an amount within the Court's jurisdictional limits;

2. The damages sought are within the jurisdictional limits of the court;
3. Plaintiff asks the amount of their verdict and damages be determined by a jury of her peers. Plaintiff asks the jury to award a fair and reasonable amount based on the evidence presented at trial. Plaintiff leaves the amount of that verdict to the discretion of the jury. The Texas Rules of Civil Procedure require Plaintiff to plead that their case falls under a particular category as outlined by the Texas Rules of Civil Procedure. In order to comply with this procedural requirement and to accommodate any potential verdict that could be awarded by a jury, Plaintiff hereby plead and place their case into the category of suits seeking relief, including damages from \$250,000 to \$1,000,000 including penalties, costs, expenses, and pre-judgment interest. Plaintiff hereby further demand judgment for all relief to which they are entitled.
4. All Costs of Court;
5. Both pre-judgment and post-judgment interest at the maximum legal rate; and
6. For such other and further relief, both general and special, at law and in equity, to which Plaintiff may show herself to be justly entitled.

Respectfully submitted,

WAYNE WRIGHT, LLP

5707 Interstate Ten West

San Antonio, Texas 78201

Telephone: (210) 734-7077

Fax: (210) 734-9965

BY: /s/ Jay Moore

JAY MOORE

State Bar No. 24041514

Email: jmoore@waynewright.com

ATTORNEYS FOR PLAINTIFF

PLAINTIFF HEREBY DEMANDS A JURY TRIAL

PRIVATE PROCESS

Case Number: 2021-CI-00215



2021CI00215 500004

SANDRA M CASTILLO**VS.****ROBERT K BRUCKER JR ET AL**

(Note: Attached Document May Contain Additional Litigants.)

IN THE DISTRICT COURT
45th JUDICIAL DISTRICT
BEXAR COUNTY, TEXAS**CITATION**

"THE STATE OF TEXAS"

Directed To: SCHNELL EXPRESS LLC

BY SERVING ITS REGISTERED AGENT, TONY MICHAEL SCHNELLER

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this CITATION and ORIGINAL PETITION, a default judgment may be taken against you." Said ORIGINAL PETITION was filed on the 5th day of January, 2021.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 6TH DAY OF JANUARY A.D., 2021.

JAY MOORE

 ATTORNEY FOR PLAINTIFF
 5707 INTERSTATE TEN WEST
 SAN ANTONIO, TX 78201-2878


Mary Angie Garcia

 Bexar County District Clerk
 101 W. Nueva, Suite 217
 San Antonio, Texas 78205

By: Leticia Leija, Deputy

 SANDRA M CASTILLO
 VS
 ROBERT K BRUCKER JR ET AL
Officer's Return
 Case Number: 2021-CI-00215
 Court: 45th Judicial District Court

I received this CITATION on _____ at _____ o'clock ____M. and () executed it by delivering a copy of the CITATION with attached ORIGINAL PETITION the date of delivery endorsed on it to the defendant, _____, in person on the _____ at _____ o'clock ____M. at _____ or () not executed because _____

Fees: _____ Badge/PPS #: _____ Date certification expires: _____

_____, County, Texas

By: _____

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS _____

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is _____, my date of birth is _____, and my address is _____, _____ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of Texas, on the _____ day of _____, 20____.

Declarant _____

RETURN TO COURT (DK002)

EXHIBIT 2

PRIVATE PROCESS

Case Number: 2021-CI-00215



2021CI00215 S00001

SANDRA M CASTILLO

VS.

ROBERT K BRUCKER JR ET AL

(Note: Attached Document May Contain Additional Litigants.)

 IN THE DISTRICT COURT
 45th JUDICIAL DISTRICT
 BEXAR COUNTY, TEXAS

CITATION

"THE STATE OF TEXAS"

Directed To: ROBERT K BRUCKER JR



"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this CITATION and ORIGINAL PETITION, a default judgment may be taken against you." Said ORIGINAL PETITION was filed on the 5th day of January, 2021.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 6TH DAY OF JANUARY A.D., 2021.

JAY MOORE

ATTORNEY FOR PLAINTIFF

 5707 INTERSTATE TEN WEST
 SAN ANTONIO, TX 78201-2878

Mary Garcia
1/7/21


Mary Angie Garcia

 Bexar County District Clerk
 101 W. Nueva, Suite 217
 San Antonio, Texas 78205

By: Leticia Leija, Deputy

SANDRA M CASTILLO

VS.

ROBERT K BRUCKER JR ET AL

Officer's Return

Case Number: 2021-CI-00215

Court: 45th Judicial District Court

I received this CITATION on _____ at _____ o'clock ____ M. and () executed it by delivering a copy of the CITATION with attached ORIGINAL PETITION the date of delivery endorsed on it to the defendant, _____, in person on the _____ at _____ o'clock ____ M. at: _____ or () not executed because _____.

Fees: _____ Badge/PPS #: _____ Date certification expires: _____

_____ County, Texas

By: _____

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS _____

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is _____, my date of birth is _____, and my address is _____, _____ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of Texas, on the _____ day of _____, 20____.

Declarant

FILE COPY (DK002)

EXHIBIT 2
 DOCUMENT SCANNED AS FILED

PRIVATE PROCESS

Case Number: 2021-CI-00215



2021CI00215 S00002

SANDRA M CASTILLO

VS.

ROBERT K BRUCKER JR ET AL

(Note: Attached Document May Contain Additional Litigants.)

 IN THE DISTRICT COURT
 45th JUDICIAL DISTRICT
 BEXAR COUNTY, TEXAS

CITATION

"THE STATE OF TEXAS"

Directed To: T&T LOGISTICS LLC

BY SERVING ITS REGISTERED AGENT, REGISTERED AGENTS INC

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this CITATION and ORIGINAL PETITION, a default judgment may be taken against you." Said ORIGINAL PETITION was filed on the 5th day of January, 2021.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 6TH DAY OF JANUARY A.D., 2021.

JAY MOORE

 ATTORNEY FOR PLAINTIFF
 5707 INTERSTATE TEN WEST
 SAN ANTONIO, TX 78201-2878


Mary Angie Garcia

 Bexar County District Clerk
 101 W. Nueva, Suite 217
 San Antonio, Texas 78205

By: Leticia Leija, Deputy

 SANDRA M CASTILLO
 VS
 ROBERT K BRUCKER JR ET AL

Officer's Return

 Case Number: 2021-CI-00215
 Court: 45th Judicial District Court

I received this CITATION on _____ at _____ o'clock ____ M and () executed it by delivering a copy of the CITATION with attached ORIGINAL PETITION the date of delivery endorsed on it to the defendant, _____, in person on the _____ at _____ o'clock ____ M at _____ or () not executed because _____.

 Fees: _____ Badge/PPS #: _____ Date certification expires: _____
 _____ County, Texas

By: _____

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS _____

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is _____, my date of birth is _____, and my address is _____, _____ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of Texas, on the _____ day of _____, 20____.

Declarant

RETURN TO COURT (DK002)

EXHIBIT 2

PRIVATE PROCESS

Case Number: 2021-CI-00215



2021CI00215 S00003

SANDRA M CASTILLO

VS.

ROBERT K BRUCKER JR ET AL

(Note: Attached Document May Contain Additional Litigants.)

IN THE DISTRICT COURT
45th JUDICIAL DISTRICT
BEXAR COUNTY, TEXAS

CITATION

"THE STATE OF TEXAS"

Directed To: MHC TRUCK LEASING INC

BY SERVING ITS REGISTERED AGENT, CAPITOL CORPORATE SERVICES INC

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this CITATION and ORIGINAL PETITION, a default judgment may be taken against you." Said ORIGINAL PETITION was filed on the 5th day of January, 2021.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 6TH DAY OF JANUARY A.D., 2021.

JAY MOORE
ATTORNEY FOR PLAINTIFF
5707 INTERSTATE TEN WEST
SAN ANTONIO, TX 78201-2878



Mary Angie Garcia
Bexar County District Clerk
101 W. Nueva, Suite 217
San Antonio, Texas 78205

By: Leticia Leija, Deputy

SANDRA M CASTILLO
VS
ROBERT K BRUCKER JR ET AL

Officer's Return

Case Number: 2021-CI-00215
Court: 45th Judicial District Court

I received this CITATION on _____ at _____ o'clock ____ M. and () executed it by delivering a copy of the CITATION with attached ORIGINAL PETITION the date of delivery endorsed on it to the defendant, _____, in person on the _____ at _____ o'clock ____ M. at _____ or () not executed because _____.

Fees: _____ Badge/PPS #: _____ Date certification expires: _____

_____ County, Texas

By: _____

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS _____

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is _____, my date of birth is _____, and my address is _____ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of Texas, on the _____ day of _____, 20____.

Declarant _____

RETURN TO COURT (DK002)

EXHIBIT 2

AFFIDAVIT OF SERVICE

Case: 2021-CI- 00215	Court: IN THE DISTRICT COURT 45TH JUDICIAL DISTRICT BEXAR COUNTY TX	County:	Job: 5236662
Plaintiff / Petitioner: SANDRA M CASTILLO		Defendant / Respondent: ROBERT K BRUCKER JR ET AL, T & T LOGISTICS LLC, MHC TRUCK LEASING, INC AND SCNELL EXPRESS LLC	
Received by: MOPS, LLC		For: DAVILA CIVIL PROCESS LLC	
To be served upon: SCHNELL EXPRESS LLC R/A TONY MICHAEL SCHNELLER			

I, Pam King Wheelley, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the State where service was effected, I was authorized by law to make service of the documents and informed the said person of the contents herein.

I have served the attached documents by:

- ☐ delivering a copy of the service documents to the Defendant.
☐ leaving a copy of the service documents at the dwelling place or usual abode of the Defendant with the person identified below, who is a person over the age of 15 years.
☒ (for service on a corporation) delivering a copy of the service documents to the person identified below.
☐ Documents could not be served due to lack of contact with the subject.

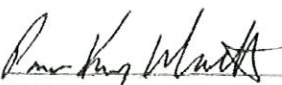
SERVED IN ST CHARLES COUNTY AND IN THE STATE OF MO

Recipient Name / Address: Tammy Schneller, HOME: 387 BEAVER LAKE CT, SAINT CHARLES, MO 63303
Manner of Service: Authorized, Jan 9, 2021, 8:50 am CST
Documents: CITATION, PLAINTIFF'S ORIGINAL PETITIONS (Received Jan 8, 2021 at 12:40pm CST)

Additional Comments:

1) Unsuccessful Attempt: Jan 8, 2021, 4:15 pm CST at HOME: 387 BEAVER LAKE CT, SAINT CHARLES, MO 63303
No vehicle in drive, no answer

2) Successful Attempt: Jan 9, 2021, 8:50 am CST at HOME: 387 BEAVER LAKE CT, SAINT CHARLES, MO 63303 received by Tammy Schneller.
Age: 30's; Ethnicity: Caucasian; Gender: Female; Weight: 140; Height: 5'5"; Hair: Blond; Eyes: Brown; Other: Stated subject was asleep and could accept on his behalf;

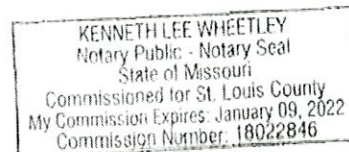

PAM KING WHEETLEY
PROCESS SERVER, IL PERC - 129396357,
ST LOUIS CITY PROCESS SERVER ID #
650, KCMO 16TH DISTRICT PPS #PPS19-
0442

1-9-2021
Date

Subscribed and sworn to before me by the affiant who is personally known to me.


Kenneth Lee Wheelley
Notary Public
1-9-2021
Date
1-9-22
Commission Expires

MOPS, LLC
1430 Washington Ave Suite 220
St Louis, MO 63103
314-520-3590



AFFIDAVIT OF SERVICE

State of Texas

County of Bexar

45th Judicial District Court

Case Number: 2021-CI-00215

Plaintiff:

SANDRA M. CASTILLO

vs.

Defendant:

**ROBERT K. BRUCKER, JR., T & T LOGISTICS, LLC MHC TRUCK
LEASING, INC. AND SCHNELL EXPRESS, LLC**

Received by Davila Civil Process on the 8th day of January, 2021 at 2:22 pm to be served on T & T Logistics LLC c/o R/A: Registered Agents Inc., 5900 Balcones Drive, Suite 100, Austin, TX 78731.

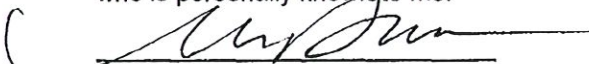
I, Barbara C. Stinnett, being duly sworn, depose and say that on the 11th day of January, 2021 at 9:38 am, I:

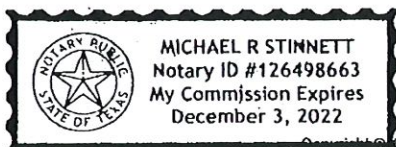
Delivered a true copy of the Citation, Plaintiff's Original Petition with the date of service endorsed thereon by me, to T & T Logistics LLC c/o R/A: Registered Agents Inc., by delivering to its designated agent, Brook Bailey, at the address of 5900 Balcones Drive, Suite 100, Austin, TX 78731, Travis County, and informed said person of the contents therein, in compliance with state statutes.

I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server, in good standing, in the judicial circuit in which the process was served.

State of Texas, County of Travis

Subscribed and Sworn to before me on the 11th
day of January, 2021 by the affiant
who is personally known to me.


NOTARY PUBLIC





Barbara C. Stinnett
PSC-1181; Exp: 07/31/2022

Davila Civil Process
P.O. Box 1733
Helotes, TX 78023
(210) 275-4485

Our Job Serial Number: SNN-2021000041
Ref: 2021-CI-00215

AFFIDAVIT OF SERVICE

State of Texas

County of Bexar

45th Judicial District Court

Case Number: 2021-CI-00215

Plaintiff:

SANDRA M. CASTILLO

vs.

Defendant:

**ROBERT K. BRUCKER, JR., T & T LOGISTICS, LLC MHC TRUCK
LEASING, INC. AND SCHNELL EXPRESS, LLC**

Received by Davila Civil Process on the 8th day of January, 2020 at 2:20 pm to be served on **MHC Truck Leasing Inc. c/o R/A: Capitol Corporate Services Inc., 206 East 9th Street, Suite 1300, Austin, TX 78701.**

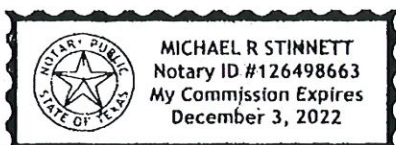
I, Barbara C. Stinnett, being duly sworn, depose and say that on the **11th day of January, 2021 at 10:13 am, I:**

Delivered a true copy of the **Citation, Plaintiff's Original Petition**, with the date of service endorsed thereon by me, to **MHC Truck Leasing Inc. c/o R/A: Capitol Corporate Services Inc.**, by delivering to its designated agent, **Mary Ann Quick**, at the address of **206 East 9th Street, Suite 1300, Austin, TX 78701, Travis County**, and informed said person of the contents therein, in compliance with state statutes.

I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server, in good standing, in the judicial circuit in which the process was served.

State of Texas, County of Travis
Subscribed and Sworn to before me on the 11th
day of January, 2021 by the affiant
who is personally known to me.

NOTARY PUBLIC




Barbara C. Stinnett
PSC-1181; Exp: 07/31/2022

Davila Civil Process
P.O. Box 1733
Helotes, TX 78023
(210) 275-4485

Our Job Serial Number: SNN-2021000040
Ref: 2021-CI-00215

Mary Angie Garcia

Bexar County District Clerk

Accepted By: Shaamid Gaitan

Case Number: 2021-CI-00215

PRIVATE PROCESS



2021CI00215 S00001

SANDRA M CASTILLO

VS.

ROBERT K BRUCKER JR ET AL

(Note Attached Document May Contain Additional Litigants.)

IN THE DISTRICT COURT
45th JUDICIAL DISTRICT
BEXAR COUNTY, TEXAS

CITATION

"THE STATE OF TEXAS"

Directed To: ROBERT K BRUCKER JR

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this CITATION and ORIGINAL PETITION, a default judgment may be taken against you." Said ORIGINAL PETITION was filed on the 5th day of January, 2021.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 6TH DAY OF JANUARY A.D., 2021.

JAY MOORE
ATTORNEY FOR PLAINTIFF
5707 INTERSTATE TEN WEST
SAN ANTONIO, TX 78201-2878



Mary Angie Garcia
Bexar County District Clerk
101 W. Nueva, Suite 217
San Antonio, Texas 78205

By: Leticia Leija, Deputy

SANDRA M CASTILLO
VS
ROBERT K BRUCKER JR ET AL

Officer's Return

Case Number: 2021-CI-00215
Court: 45th Judicial District Court

I received this CITATION on 1-13-21 at 10 o'clock AM and ☒ executed it by delivering a copy of the CITATION with attached ORIGINAL PETITION the date of delivery endorsed on it to the defendant Robert Brucker in person on the 1-19-2021 at 11:19 o'clock AM at 6302 NE Express or () not executed because Cameron, MO 64429

Fees _____ Badge/PPS #: 712 Date certification expires: _____

Clinton MO
County, ~~Texas~~
By [Signature] 712
Joshua Smith #712

OR VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS _____

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is _____ my date of birth is _____ and my address is _____
County _____

I declare under penalty of perjury that the foregoing is true and correct Executed in _____ County, State of Texas, on the _____ day of _____, 20____

Declarant _____

ORIGINAL (DK002)

EXHIBIT 2



Wednesday January 13, 2021

Case Number: 2021-CI-00215

From: T &T Logistics LLC, USDOT# 3543498

Midland, TX 79706

To: Mary Angie Garcia

Bexar County District Clerk

101 W. Nueva, Suite 217

San Antonio, TX 78205

Dear Madam Garcia,

I am Eric Talla. The owner of **T&T Logistics LLC, USDOT# 3543498** a Texas entity located in Midland, TX. I received the above-mentioned citation from my registered agent on Monday January 11.

My company is nowhere involved in the incident mentioned in the above-mentioned citation, that apparently happened in San Antonio in January 2019.

In fact, we operate only in the oilfield here in Midland, TX. Also, the driver mentioned in the case has never been employed by T&T Logistics LLC in Midland. Furthermore, we never received any police report related to the incident and our insurance company never heard of it.

After doing my personal research, I found out there are many T&T Logistics LLC in United States. The driver mentioned in the case is from Missouri where the other T&T Logistics LLC and Schnell Express LLC, both mentioned in the case as well are doing business. Only a careful review of the police report will determine the real T&T Logistics involved because every motor carrier has a unique MC/USDOT number which should be on the report.

Thank you.

Eric Talla

T&T Logistics LLC (Texas Entity)

Ttlogistics450@gmail.com

Tel: 864.238.7951

FILED
DISTRICT CLERK
BEXAR CO. TEXAS
2021 JAN 19 PM 3:46
RECEIVED
BY
DEPUTY

2021 JAN 9

UNITED STATES PRIORITY MAIL

US POSTAGE PAID \$7.75
Origin: 79707
01/15/21
4859020708-10

PRIORITY MAIL 2-DAY®

EXPECTED DELIVERY DAY: 01/19/21

0 Lb 1.80 Oz
1006

SHIP TO:
101 W NUEVA
SUITE 217
SAN ANTONIO TX 78205-3411

USPS TRACKING® NUMBER
9505 5146 1673 1015 8126 77

TR

PS00001000014

EP14F May 2020
OD: 12 1/2 x 9 1/2

USPS.COM/PICKUP

Free Package Pickup, scan the QR code.

Restrictions apply.*
Final destinations.
Acquired.
ions see the
nitations of coverage.

FROM:

TX LOGISTICS LLC
805 NOLAN RYAN DR
MIDLAND TX 79706

TO:

MARY ANGIE GARCIA
BEXAR COUNTY DISTRICT CLERK
101 W. NUEVA, Suite 217
SAN ANTONIO, TX 78205

EXHIBIT 2

CAUSE NO. 2021CI00215

SANDRA M. CASTILLO	§	IN THE DISTRICT COURT
<i>Plaintiff,</i>	§	
	§	
V.	§	45 TH JUDICIAL DISTRICT
	§	
	§	
ROBERT K. BRUCKER, JR.,	§	
T&T LOGISTICS LLC,	§	
MHC TRUCK LEASING, INC., and	§	
SCHNELL EXPRESS, LLC	§	
<i>Defendants.</i>	§	BEXAR COUNTY, TEXAS

DEFENDANTS SCHNELL EXPRESS, LLC AND ROBERT K. BRUCKER, JR.'S
ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COME Schnell Express, LLC and Robert K. Brucker, Jr., Defendants in the above-captioned cause of action, and file this their Original Answer, and for such would respectfully show unto the Court as follows:

I.
GENERAL DENIAL

Pursuant to TEX. R. CIV. P. 92, Defendants, Schnell Express, LLC and Robert K. Brucker, Jr., enter a general denial and demand strict proof by a preponderance of the evidence, or other applicable standard, of all the allegations asserted by Plaintiff in Plaintiff's Original Petition, and any supplement and/or amendment thereto.

II.
CONTRIBUTORY NEGLIGENCE

Defendant asserts that any injuries or damages to Plaintiff, Sandra M. Castillo, were caused, in whole or in part, by Plaintiff's own contributory negligence.

III.
PAID OR INCURRED

The Plaintiff's "right" to recover medical expenses is limited by the provisions of TEX. CIV. PRAC. & REM. CODE 41.0105. Thus, recovery of medical or health care expenses incurred by Plaintiff is limited to the amount actually paid or incurred by or on behalf of the Plaintiff.

IV.
PRE-EXISTING CONDITION

Defendants allege that the injuries (in whole or in part) complained of by Plaintiff in this suit are pre-existing injuries and/or injuries that occurred after the subject incident.

V.
JURY DEMAND


Defendants request that the above cause of action be tried before a jury. Defendants note the jury filing fee has already been paid.

VI.
PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendants, Schnell Express, LLC and Robert K. Brucker, Jr., pray that Plaintiff takes nothing by reason of this suit and that Schnell Express, LLC and Robert K. Brucker, Jr. be awarded their costs of court and such other and further relief to which they may be justly entitled.

Respectfully submitted,

ESPEY AND ASSOCIATES, PC
12400 San Pedro Avenue, Suite 200
San Antonio, Texas 78216
Telephone: (210) 404-0333
Facsimile: (210) 404-0336
*Email: espeyservice@lawespey.com

By: 

R. MATT LAIR
State Bar No. 11795410

ATTORNEY FOR DEFENDANTS,
SCHNELL EXPRESS, LLC AND
ROBERT K. BRUCKER, JR.

*service by email to this address only

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served in compliance with Rules 21 and 21a of the Texas Rules of Civil Procedure on January 26, 2021, on the following counsel of record:

Jay Moore
WAYNE WRIGHT, LLP
5707 Interstate Ten West
San Antonio, Texas 78201
Facsimile: (210) 734-9965
Email: jmoore@waynewright.com
Attorneys for Plaintiff



R. MATT LAIR

CAUSE NO. 2021CI00215

SANDRA M. CASTILLO	§	IN THE DISTRICT COURT
<i>Plaintiff,</i>	§	
	§	
V.	§	45 TH JUDICIAL DISTRICT
	§	
	§	
ROBERT K. BRUCKER, JR.,	§	
T&T LOGISTICS LLC,	§	
MHC TRUCK LEASING, INC., and	§	
SCHNELL EXPRESS, LLC	§	
<i>Defendants.</i>	§	BEXAR COUNTY, TEXAS

DEFENDANTS SCHNELL EXPRESS, LLC AND ROBERT K. BRUCKER, JR.'S
JURY DEMAND

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COME Schnell Express, LLC and Robert K. Brucker, Jr., Defendants in the above-captioned cause of action, and request that the above cause of action be tried before a jury. Defendants acknowledge the jury filing fee has already been paid.

Respectfully submitted,

ESPEY AND ASSOCIATES, PC
12400 San Pedro Avenue, Suite 200
San Antonio, Texas 78216
Telephone: (210) 404-0333
Facsimile: (210) 404-0336
*Email: espeyservice@lawespey.com

By: _____

R. MATT LAIR
State Bar No. 11795410

ATTORNEY FOR DEFENDANTS,
SCHNELL EXPRESS, LLC AND
ROBERT K. BRUCKER, JR.

*service by email to this address only

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served in compliance with Rules 21 and 21a of the Texas Rules of Civil Procedure on January 26, 2021, on the following counsel of record:

Jay Moore
WAYNE WRIGHT, LLP
5707 Interstate Ten West
San Antonio, Texas 78201
Facsimile: (210) 734-9965
Email: jmoore@waynewright.com
Attorneys for Plaintiff



R. MATT LAIR

CAUSE NO. 2021CI00215

SANDRA M. CASTILLO	§	IN THE DISTRICT COURT
<i>Plaintiff,</i>	§	
	§	
V.	§	45 TH JUDICIAL DISTRICT
	§	
	§	
ROBERT K. BRUCKER, JR.,	§	
T&T LOGISTICS LLC,	§	
MHC TRUCK LEASING, INC., and	§	
SCHNELL EXPRESS, LLC	§	
<i>Defendants.</i>	§	BEXAR COUNTY, TEXAS

DEFENDANT MHC TRUCK LEASING, INC.'S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES MHC Truck Leasing, Inc., Defendant in the above-captioned cause of action, and file this its Original Answer, and for such would respectfully show unto the Court as follows:

I.
GENERAL DENIAL

Pursuant to TEX. R. CIV. P. 92, Defendant, MHC Truck Leasing, Inc., enters a general denial and demands strict proof by a preponderance of the evidence, or other applicable standard, of all the allegations asserted by Plaintiff in Plaintiff's Original Petition, and any supplements and/or amendments thereto.

II.
CONTRIBUTORY NEGLIGENCE

Defendant asserts that any injuries or damages to Plaintiff, Sandra M. Castillo, were caused, in whole or in part, by Plaintiff's own contributory negligence.

III.
PAID OR INCURRED

The Plaintiff's "right" to recover medical expenses is limited by the provisions of TEX. CIV. PRAC. & REM. CODE 41.0105. Thus, recovery of medical or health care expenses incurred by Plaintiff is limited to the amount actually paid or incurred by or on behalf of the Plaintiff.

IV.
PRE-EXISTING CONDITION

Defendant alleges that the injuries (in whole or in part) complained of by Plaintiff in this suit are pre-existing injuries and/or injuries that occurred after the subject incident.

V.
GRAVES AMENDMENT

Defendant also pleads its defenses under the Graves Amendment, which bars vicarious liability claims against car and truck rental companies for injuries allegedly caused by their lessee.

VI.
JURY DEMAND

Defendant requests that the above cause of action be tried before a jury. Defendant notes the jury filing fee has already been paid.

VII.
PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant, MHC Truck Leasing, Inc., prays that Plaintiff takes nothing by reason of this suit and that MHC Truck Leasing, Inc. be awarded their costs of court and such other and further relief to which it may be justly entitled.

Respectfully submitted,

ESPEY AND ASSOCIATES, PC
12400 San Pedro Avenue, Suite 200
San Antonio, Texas 78216
Telephone: (210) 404-0333
Facsimile: (210) 404-0336
*Email: espeyservice@lawespey.com

By: _____



R. MATT LAIR
State Bar No. 11795410

ATTORNEY FOR DEFENDANT,
MHC TRUCK LEASING, INC.

*service by email to this address only

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served in compliance with Rules 21 and 21a of the Texas Rules of Civil Procedure on January 29, 2021, on the following counsel of record:

Jay Moore
WAYNE WRIGHT, LLP
5707 Interstate Ten West
San Antonio, Texas 78201
Facsimile: (210) 734-9965
Email: jmoore@waynewright.com
Attorneys for Plaintiff



R. MATT LAIR